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09/994,961	11/27/2001	Kei Suda	15108	1684

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EXAMINER

PHAM, TUAN

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2643

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/994,961	Applicant(s) SUDA, KEI	
	Examiner TUAN A. PHAM	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-10 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 11-15, 17 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 16, and 25-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 28-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added subject matter of "a second single counter configured to count said second clock signal and to control said first counter to step and restart the counting operation of the first clock signal in response to the second clock signal" at independent claim 28 is considered new matter because the specification as original filed does not provide support for such limitation. Also the dependent claims 29-32 are rejected based on the base claim.

A call was made to Attorney of record Mr. Weinfeld on 08/19/2005 to clarify the newly added subject matter at independent claim 28. The applicant pointed out that the new limitation was supported in the specification at pages 16-18, and the remark at page 13, filed on 6/23/2005. However, Examiner could not find the newly added limitation as pointed out by applicant. Therefore, claims 28-32 are rejected under 112, first paragraph.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 11-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohlschmidt (U.S. Patent No.: 6,029,061) in view of Admitted Prior Art.**

**Regarding claim 11**, Kohlschmidt teaches a mobile phone having at least one main clock system, the main clock system comprising (see figure 1):

a main clock generator which generates a main clock signal (see figure 1, high accuracy clock 101, col.3, ln.1-10);

a main counter which carries out a counting operation of main clock of the main clock signal in response to the main clock signal generated by the main clock generator (see col.6, ln.1-22); and

a processor which stops the counting operation of the main counter by stopping the generation of the main clock by the main clock generator before entering a waiting operation and changes a count value of the main counter as if the counting operation of

the main counter has been not stopped when going out of the waiting operation (see figure 1, DSP 104, col.4, ln.31-51, col.5, ln.1-21).

It should be noticed that Kohlschmidt fails to teach a single main counter. However, Admitted Prior Art teaches such features (see figure 1, main counter 14, pages 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporated the teaching of Admitted Prior Art into view of Kohlschmidt in order to save the power as suggested by Kohlschmidt at column 1, lines 4-8.

**Regarding claim 12**, Kohlschmidt further teaches the mobile phone wherein the processor comprises: a wait timer which carries out a counting operation of wait clocks of a wait clock signal in response to a wait clock signal for a predetermined time corresponding to a time period during which the generation of the main clock signal is stopped; and a CPU which operates based on the count value of the main counter in response to the main clock signal (see col.3, ln.1-40).

**Regarding claim 13**, Kohlschmidt further teaches the mobile phone wherein the wait timer which stops the operations of the main counter and the CPU by stopping the generation of said main clock signal by the main clock generator in response to an instruction from the CPU, and controls the main clock generator to restart the generation of the main clock signal and the CPU to change a count value of the main counter, after the predetermined time elapses (see col.3, ln.1-40).

**Regarding claim 14**, Kohlschmidt further teaches the mobile phone wherein the CPU changes the count value of the main counter by adding data corresponding to the number of the main clocks while the counting operation of the main counter is stopped, to the count value of the main counter (see col.3, ln.1-40, col.4, ln.31-51).

**Regarding claim 15**, Kohlschmidt further teaches the mobile phone wherein the CPU calculates the data to be added, based on the wait clocks counted by the wait timer during the predetermined time (see col.3, ln.1-40, col.4, ln.31-51).

**Regarding claim 17**, Kohlschmidt further teaches the mobile phone wherein the predetermined time is set in the wait timer by the CPU before the wait timer stops the generation of the main clock signal by the main clock generator (see col.3, ln.1-40, col.4, ln.31-51).

**6. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohlschmidt (U.S. Patent No.: 6,029,061) in view of Hlasny (U.S. Patent No.: 6,044,282).**

**Regarding claim 21**, Kohlschmidt teaches a method and a mobile phone having at least one main clock system and operating based on a main clock signal of the main clock system, wherein the main clock system comprising (see figure 1):

a main counter for counting main clocks of the main clock signal (see col.6, ln.1-22); and

stopping generation of the main clock signal for a time period, while counting wait clocks of a wait clock signal, for restarting the generation of the main clock signal after

the time period, and for controlling the main counter the main counter based on the counted wait clocks as if the main counter always counts the main clocks of the main clock signal (see figure 1, high accuracy clock 101, slow clock 102, CSP 103, DSP 104, col.3, ln.1-40, col.4, ln.31-51, col.5, ln.1-21).

It should be noticed that Kohlschmidt fails to teach using a first and second counting means. However, Hlasny teaches such features (see col.5, ln.23-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporated the teaching of Hlasny into view of Kohlschmidt in order to save the power as suggested by Kohlschmidt at column 1, lines 4-8.

**Regarding claim 22**, Kohlschmidt further teaches the method and mobile phone wherein the correction control means comprises: counting means for counting the wait clocks of the wait clock signal for the time period during which the generation of the main clock signal is stopped; and calculating means for calculating the main clocks while the generation of the main clock signal is stopped; and setting means for correcting the count value of the main counter based on the calculated main clocks (see col.3, ln.1-40, col.4, ln.31-51, col.5, ln.1-21).

**Regarding claim 23**, Kohlschmidt further teaches the method and mobile phone wherein a frequency of the main clock signal is larger than a frequency of the wait clock signal (see figure 1, high accuracy clock 101 at 13MHz, slow clock 102 at 32.7KHz).

**Regarding claim 24**, Kohlschmidt further teaches the method and mobile phone wherein the time period during which the generation of the main clock signal is stopped is predetermined (see col.3, ln.1-40).

***Allowable Subject Matter***

7. Claims 1-4, 6-10, and 18-20 are allowed.
8. Claims 16, 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-8097 and

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Art Unit 2643  
August 22, 2005  
Examiner

Tuan Pham

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600